

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2009, Legislative Day No. 15

Bill No. 40-09

Introduced by Mr. Reilly, Chairman
(by request of the County Executive) and
Mr. Reilly, Mr. Dillon, and Mr. Middlebrooks

By the County Council, May 11, 2009

Introduced and first read on May 11, 2009
Public Hearing set for and held on May 26, 2009
Bill AMENDED June 1, 2009
Public Hearing on AMENDED BILL set for July 6, 2009
Bill Expires August 14, 2009

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

- 1 AN ORDINANCE concerning: Zoning—Video Lottery Facilities
2
3 FOR the purpose of defining video lottery facility, video lottery terminal, and regional
4 commercial complex; allowing video lottery facilities as a conditional use in the W1
5 Industrial Park zoning district and in regional commercial complexes; amending
6 requirements for certain conditional uses; amending requirements for certain special
7 exception uses; and generally relating to zoning.
8
9 BY renumbering: § 18-1-101(80) through (107), and 18-1-101(108) through (115) to be §
10 18-1-101(81) through (109), and 18-1-101(112) through (119), respectively; and §§
11 18-10-136 and 18-10-137 to be §§ 18-10-137 and 18-10-138, respectively
12 Anne Arundel County Code (2005, as amended)
13
14 BY adding: §§ 18-1-101(80), (110), and (111); and 18-10-136
15 Anne Arundel County Code (2005, as amended)
16
17 BY repealing and reenacting, with amendments: §§ 18-3-104; 18-6-103; 18-10-101; 18-
18 10-102; 18-11-134; and 18-12-301
19 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
2 *Maryland,* That §§ 18-1-101(80) through (107) and 18-1-101(108) through (115); 18-10-
3 136; and 18-10-137 of the Anne Arundel County Code (2005, as amended) are hereby
4 renumbered to be § 18-1-101(81) through (109) and 18-1-101(112) through (119); 18-10-
5 137; and 18-10-138, respectively.

6
7 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
8 Code (2005, as amended) read as follows:

9
10 **ARTICLE 18 ZONING**

11 **TITLE 1. DEFINITIONS**

12
13
14 **18-1-101. Definitions.**

15
16 Unless defined in this article, words defined elsewhere in this Code apply in this
17 article. The following words have the meanings indicated:

18
19 (80) “REGIONAL COMMERCIAL COMPLEX” MEANS A DEVELOPMENT IN EXISTENCE
20 ON SEPTEMBER 7, 2004, THAT WAS CREATED UNDER BILL NO. 62-98 AS AMENDED BY BILL
21 NO. 80-98.

22
23 (110) “VIDEO LOTTERY FACILITY” HAS THE MEANING SET FORTH IN THE STATE
24 GOVERNMENT ARTICLE, § 9-1A-01, OF THE STATE CODE.

25
26 (111) “VIDEO LOTTERY TERMINAL” HAS THE MEANING SET FORTH IN THE STATE
27 GOVERNMENT ARTICLE, § 9-1A-01, OF THE STATE CODE.

28
29 **TITLE 3. PARKING, NONRESIDENTIAL OUTDOOR LIGHTING, AND**
30 **SIGNAGE**

31
32 **18-3-104. Parking space requirements.**

33
34 The minimum onsite required parking spaces are listed in the chart below. They may
35 be increased based on site development plan review or special exception approval,
36 reduced as provided in § 18-3-105, or superseded by a parking program allowed by this
37 Code. The Planning and Zoning Officer may determine reasonable and appropriate onsite
38 parking requirements for structures and land uses that are not listed on the chart based on
39 requirements for similar uses, comments from reviewing agencies, and the parking needs
40 of the proposed use.

Use	Parking

Veterinary offices, clinics, and hospitals	1 space for every 200 square feet of floor area, excluding overnight rooms for animals
VIDEO LOTTERY FACILITIES	1 SPACE FOR EVERY 2 <u>GAMING POSITIONS AT A VIDEO LOTTERY TERMINALS TERMINAL</u>

TITLE 6. INDUSTRIAL DISTRICTS

18-6-103. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the industrial districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A = auxiliary use to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed, except that outside storage as an accessory use in W1 is limited to 15% of the allowed lot coverage.

Permitted, Conditional, and Special Exception Uses	W1	W2	W4

Veterinary clinics if overnight stays are limited to those necessary for medical treatment, without outside runs or pens	P		
VIDEO LOTTERY FACILITIES	C		

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-101. Adult bookstores.

An adult bookstore shall comply with all of the following requirements.

(1) The use shall be located at least 1,000 feet from the boundary line of any residential district, dwelling, school, library, park, playground, child care center, religious facility, VIDEO LOTTERY FACILITY, or other adult bookstore or adult movie theater. For purposes of this subsection, distance shall be measured in a straight line from the closest part of the lot on which the adult bookstore or adult movie theater is located to the nearest boundary line of any residential district or the nearest lot line on which any dwelling, school, library, park, playground, child care center, religious facility, VIDEO LOTTERY FACILITY, or other adult bookstore or adult movie theater is located.

(2) The use shall have all windows, doors, and other apertures blackened or obstructed to prevent anyone outside the establishment from viewing its interior.

(3) The proprietor, owner, and employees of the establishment shall prohibit access to the premises by anyone under the age of 18.

18-10-102. Adult movie theater.

An adult movie theater shall comply with all of the following requirements.

(1) The use shall be located at least 1,000 feet from the boundary line of any residential district, dwelling, school, library, park, playground, child care center, religious facility, VIDEO LOTTERY FACILITY, or other adult bookstore or adult movie theater. For purposes of this subsection, distance shall be measured in a straight line from the closest

1 part of the lot on which the adult bookstore or adult movie theater is located to the nearest
2 boundary line of any residential district or the nearest lot line on which any dwelling,
3 school, library, park, playground, child care center, religious facility, VIDEO LOTTERY
4 FACILITY, or other adult bookstore or adult movie theater is located.

5 (2) The use shall have all windows, doors, and other apertures blackened or
6 obstructed to prevent anyone outside the establishment from viewing its interior.

7
8 (3) The proprietor, owner, and employees of the establishment shall prohibit
9 access to the premises by anyone under the age of 18.

10
11 (4) A viewing booth in an adult film arcade:

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13 (i) shall have at least one side open to an adjacent public room so that the area
14 inside the viewing booth is visible to persons in the adjacent public room;

15
16 (ii) may not be equipped with a curtain, door, or other device that allows the
17 interior of the viewing booth to be screened from the view of persons in the adjacent
18 public room;

19
20 (iii) shall have lighting of sufficient intensity that a person in the viewing
21 booth is visible by persons in the adjacent public room; and

22
23 (iv) shall be separated from an adjacent viewing booth by a wall or other solid
24 partition sufficient to prevent sexual activity with a person in the adjacent viewing booth.

25
26 **18-10-136. Video lottery facilities.**

27
28 (A) **Master plan for development.** THE VIDEO LOTTERY FACILITY LICENSEE SHALL PROVIDE
29 TO THE LOCAL DEVELOPMENT COUNCIL A MASTER PLAN AS REQUIRED BY STATE
30 GOVERNMENT ARTICLE, § 9-1A-31, OF THE STATE CODE, AND SHALL ASSIST THE COUNTY
31 IN PREPARATION OF A TRANSPORTATION MANAGEMENT PLAN THAT DETAILS INTERNAL
32 CIRCULATION SYSTEMS, EXTERNAL ACCESS POINTS AND PEDESTRIAN FLOWS TO AND
33 FROM PARKING FACILITIES.

34
35 (B) **Requirements.** A VIDEO LOTTERY FACILITY SHALL COMPLY WITH ALL OF THE FOLLOWING
36 REQUIREMENTS.

37
38 (1) THE FACILITY SHALL BE LOCATED ON A LOT OF AT LEAST 50 ACRES IN A W1 INDUSTRIAL
39 PARK DISTRICT OR A REGIONAL COMMERCIAL COMPLEX AND SHALL BE ACCESSIBLE TO AN
40 ARTERIAL OR HIGHER CLASSIFICATION ROAD WITHIN TWO MILES OF MD. ROUTE 295.

41
42 (2) THE FACILITY SHALL COMPLY WITH ALL APPLICABLE BULK REGULATIONS FOR THE ZONING
43 DISTRICT IN WHICH THE FACILITY IS LOCATED.

44
45 (3) THE FACILITY SHALL COMPLY WITH A TRANSPORTATION MANAGEMENT PLAN THAT IS
46 APPROVED BY THE OFFICE OF PLANNING AND ZONING.

47
48 (4) THE FACILITY SHALL COMPLY WITH A TRAFFIC STUDY THAT ASSESSES THE IMPACTS OF NEW
49 TRAFFIC GENERATED BY THE PROPOSED USE ON MAJOR ROADS AND INTERSECTIONS AS REQUIRED BY
50 ARTICLE 17 AND IS APPROVED BY THE OFFICE OF PLANNING AND ZONING.

51
52 (5) THE FACILITY SHALL CONFORM TO AN APPROVED SITE DEVELOPMENT PLAN IN
53 ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 17.

1 (6) the facility shall conform to approved plans for off-street parking THAT SHOW ALL
2 designated PARKING AREAS, INCLUDING handicapped spaces, bus parking, loading and delivery
3 AREAS.
4

5 (7) THE FACILITY SHALL INCLUDE LIGHTING THAT ILLUMINATES ALL PARKING AREAS AND
6 WALKWAYS AND IS FOCUSED SO AS TO PREVENT GLARE UPON SURROUNDING AREAS.
7

8 (8) THE FACILITY SHALL PROVIDE 24-HOUR SECURITY FOR THE FACILITY AND
9 ADJACENT PARKING AREAS, SEPARATE FROM SECURITY PROVIDED BY OTHER
10 COMMERCIAL OR INDUSTRIAL ESTABLISHMENTS IN THE VICINITY OF THE FACILITY.
11

12 (9) THE FACILITY SHALL COMPLY WITH A WRITTEN PLAN TO CONTROL LOITERING
13 APPROVED BY THE PLANNING AND ZONING OFFICER AND CONSPICUOUSLY POST "NO
14 LOITERING" SIGNS IN ALL PARKING AREAS.
15

16 (10) THE FACILITY, INCLUDING ADJACENT PARKING AREAS, SHALL BE CLEARED OF
17 LITTER AND REFUSE DAILY.
18

19 (11) THE FACILITY SHALL ENSURE THAT NOISE FROM THE FACILITY DOES NOT
20 EXCEED A DAYTIME LEVEL OF 67 DBA OR A NIGHTTIME LEVEL OF 62 DBA AT THE LOT
21 LINES.
22

23 (12) THE FACILITY SHALL BE LICENSED BY THE STATE AND SUBJECT TO STATE REGULATION AND
24 ENFORCEMENT.
25

26 (c) **Alcoholic beverages.** A VIDEO LOTTERY FACILITY MAY OPERATE ALCOHOLIC BEVERAGE
27 USES ACCESSORY TO OTHER USES IN THE W1 INDUSTRIAL PARK DISTRICT AND IN A
28 REGIONAL COMMERCIAL COMPLEX SUBJECT TO THE REQUIREMENTS OF § 18-10-103 AND
29 STATE LAW AND REGULATION.
30

31 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

32 **18-11-134. Pawnshops.**

33 A pawnshop shall comply with all of the following requirements.
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35 (1) The use shall be located at least 1,000 feet from the nearest lot line of any
36 school, library, park, [or] religious facility, OR VIDEO LOTTERY FACILITY.
37

38 (2) The facility's customer entrance and any onsite parking areas shall be located
39 at least 300 feet from any residential structure.
40

41 (3) Hours of operation shall be established by the Administrative Hearing Officer
42 as part of the special exception approval.
43

44 **TITLE 12. SPECIAL USES**

45 **18-12-301. Permitted uses; applicability.**

46 A regional commercial complex [in existence on September 7, 2004, created under
47 Bill No. 62-98 as amended by Bill No. 80-98,] may include the uses set forth in § 18-5-
48 102 for C2 and C3 Districts and the uses set forth in § 18-6-103 for a W1 District. Other
49 consistent provisions of this article also apply.
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1 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
2 from the date it becomes law.